

City of Willoughby Hills

Council

NANCY E. FELLOWS
JOE JARMUSZKIEWICZ
DANIEL KNECHT
TANYA TAYLOR DRAPER
DAN ZEGARAC

ORDINANCE NO. 2020-26-AMENDED

AN ORDINANCE RESCINDING ORDINANCE 2018-11 IN ORDER TO ABOLISH THE SUSPENSION OF WILLOUGHBY HILLS ISOLATED SENIOR PROGRAM FOR EVERYDAY RELIEF (W.H.I.S.P.E.R.) TO ASSIST THE SENIOR CITIZENS OF THE CITY OF WILLOUGHBY HILLS, AND RE-ESTABLISHING THE W.H.I.S.P.E.R. PROGRAM; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

WHEREAS, on March 12, 2009, Willoughby Hills City adopted Ordinance No. 2009-10 to establish a "W.H.I.S.P.E.R." Fund with the addition of the Section 135.31 of the Administrative Code, Title Five Administrative, Chapter 135, in order to provide for the creation of a special revenue fund to receive donations, appropriations or transfers and receipt expenditures for all legally approved expenditures for the W.H.I.S.P.E.R. Program; and

WHEREAS, from 2009 through 2018, administration of the W.H.I.S.P.E.R. Program was handled by the Mayor's office, specifically, the Mayor's Executive Assistant who received the requests for assistance from senior residents and the applications to provide assistance from volunteers; and

WHEREAS, during the nine years under the administration of the Mayor's Office, hundreds of deeds were performed for Willoughby Hills seniors with the assistance of hundreds of volunteers during which time there were no reported incidents of wrongdoing, theft or illegal or unethical actions by the Mayor's Office or any of the volunteers; and

WHEREAS, yearly reports were provided to City Administration and Council and posted on the City website, and identified the program as having no improprieties during State Auditor Reports in which Auditor of State Awards for Exemplary Financial Practices were rendered to the City of Willoughby Hills; and

WHEREAS, on February 8, 2018, the majority of Council adopted Ordinance 2018-11, temporarily suspending the appropriations of funds from the W.H.I.S.P.E.R. account in order to establish program policies and regulations for the proper administration of the program; and

WHEREAS, on February 12, 2018, former Mayor Robert Weger vetoed Ordinance 2018-11, citing concerns about the City's inability to assist the senior population with the program suspension; and

WHEREAS, February 8, 2018 Council passed Ordinance 2018-10 to engage the services of a forensic auditor to investigate the disbursements of the W.H.I.S.P.E.R. program; and

WHEREAS, on September 20, 2018, the Lake County Prosecutor met with various City Council members and other City officials to discuss “allegations of misconduct, including potential criminal conduct by elected officials and employees of the City of Willoughby Hills,” with particular attention to the City’s W.H.I.S.P.E.R. program; and

WHEREAS, on September 25, 2018, the Ohio State Auditor’s Office received correspondence from Council citing the concerns of two thirds of the Council members about “financial activities without explanation or supported documentation” and request for investigation; and

WHEREAS, on October 5, 2018 the Lake County Job and Family Services received a request to investigate actions of the W.H.I.S.P.E.R. Program; and

WHEREAS, on October 5, 2018, the Bureau of Criminal Investigation (BCI) received a request to investigate actions of the W.H.I.S.P.E.R. Program; and

WHEREAS, on October 12, 2018, the Lake County Prosecutor notified Council and the Police Chief that a review had been completed of the W.H.I.S.P.E.R. program, and advised that the information was insufficient for a determination of criminal wrongdoing or unethical activity; and

WHEREAS, on June 28, 2019, the City was advised by the Auditor of State Investigator that the records provided by the State Auditor, Lake County Prosecutor, Lake County Job and Family Services and Bureau of Criminal Investigation had concluded their investigation and the investigation was closed and the complaint was “unfounded”; and

WHEREAS, on July 22, 2019, former Mayor Robert Weger provided Council with a proposal to allow the W.H.I.S.P.E.R. program to be reopened with amendments to the program to address Council concerns about equity, safety and compliance, with no response from Council at that time; and

WHEREAS, the current Council has reviewed all of the records pertaining to the creation and administration of the W.H.I.S.P.E.R. Program, the life-changing deeds that the program provided to a number of the residents of the City of Willoughby Hills, and the complete investigation by the State Auditor, Lake County Prosecutor, Bureau of Criminal Investigation, Ohio Ethics Commission and Lake County Job and Family Services and has concluded that it is time to proceed to abolish the W.H.I.S.P.E.R. Program suspension and re-open the program to once again serve our senior community.

WHEREAS, in May 2020, a WHISPER Subcommittee was established consisting of Council members, the Mayor’s office representative and two residents with direction from the Law Director and Finance Director. The Subcommittee reviewed all policies and procedures and established the WHISPER Guidelines Booklet (revised) and has submitted it to Council as amended Exhibit 1 of this Ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. Immediate action shall be taken to abolish the suspension of the WHISPER Program and specifically to re-establish the W.H.I.S.P.E.R. Program as set forth in Ordinance 2009-10 as if fully rewritten by immediately rescinding Ordinance 2018-11 and allowing the provisions outlined in Section 135.31 of the Administrative Code to continue.

SECTION 2. W.H.I.S.P.E.R. Guidelines (Exhibit 1) have been established by Administration, reviewed and approved by Council and shall be updated as the need arises to guarantee the continued integrity and safety of the W.H.I.S.P.E.R. Program.

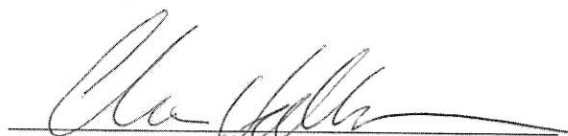
SECTION 3. All Ordinances or parts thereof in conflict with the provisions of this Ordinance be, and they are hereby repealed as of the effective date of this Ordinance.

SECTION 4. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 5. This Ordinance shall be in full force and effect at the earliest time permitted by law.

SECTION 6. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills and will provide assistance to our senior community with the abolishment of the W.H.I.S.P.E.R. suspension and provide authorization for funding to ensure that tasks may be performed for the senior residents of the City of Willoughby Hills.

PASSED: June 25, 2020

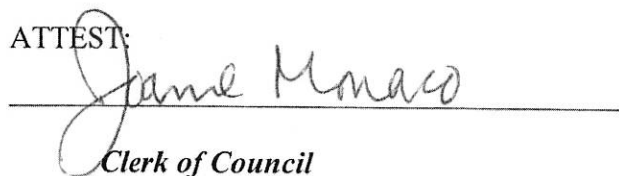


Christopher Hallum
President of Council

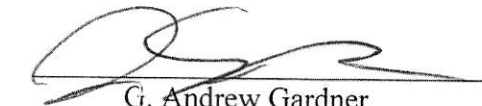
Submitted to the Mayor for his approval
on this 25th day of June, 2020

Approved by the Mayor

ATTEST:



Clerk of Council

June 25, 2020

G. Andrew Gardner
Mayor